

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:04-CV-619-W

EARL N. PHILLIPS, JR.,)
COUNTNEY D. PHILLIPS-HYDER,)
JORDAN N. PHILLIPS, and PHIL,)
COURTNEY & JORDAN, LLC,)

Plaintiffs,)

vs.)

ORDER

KPMG LLP, DEUTSCHE BANK AG,)
SIDLEY AUSTIN BROWN &)
WOOD, LLP, R.J. RUBLE,)
PRESIDIO ADVISORS, LLC,)
PRESIDIO GROWTH, LLC, and)
JOHN LARSON,)

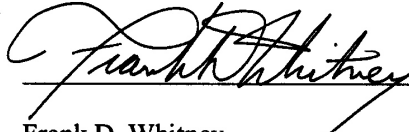
Defendants.)

THIS MATTER comes now before the Court, *sua sponte*, to correct a clerical error in the Clerk's "Notice of Hearing," issued earlier this day. Recognizing that the pending motions are both preliminary and jurisdictional in nature and that no substantive discovery has yet been undertaken in this case, this is not necessarily a final hearing prior to trial.

Counsel are specifically instructed to attend the 21 December motions hearing prepared to update the Court as to the progress of the roughly parallel proceedings in Reddam et al. v. KPMG LLP et al., No. CV-04-1227 (C.D. Cal.), as well as any other cases where the NASD has either exercised or declined to exercise jurisdiction over similar claims, and to compare or contrast the facts and circumstances of those cases as necessary. No additional written memoranda are requested at this time.

IT IS SO ORDERED.

Signed: November 20, 2006


Frank D. Whitney
United States District Judge

